

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-14-03

WHEREAS, HENRY C. MORAT, TRUSTEE had applied to Community Zoning

Appeals Board 15 for the following:

AU to RU-1M(a)

SUBJECT PROPERTY: The north $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ all being in Section 2, Township 57 South, Range 39 East.

LOCATION: The Southeast corner of theoretical S.W. 132 Avenue (Pine Island Road) & theoretical S.W. 284 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 15 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 15 that the requested district boundary change to RU-1M(a) would not be compatible with the neighborhood and area concerned and would be in conflict with the principle and intent of the plan for the development of Miami-Dade County, Florida, and should be denied, and said application was denied by Resolution No. CZAB15-4-03, and

WHEREAS, HENRY C. MORAT, TRUSTEE appealed the decision of Community Zoning Appeals Board 15 to the Board of County Commissioners applied for the following:

AU to RU-1M(a)

SUBJECT PROPERTY: The north $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ all being in Section 2, Township 57 South, Range 39 East.

LOCATION: The Southeast corner of theoretical S.W. 132 Avenue (Pine Island Road) & theoretical S.W. 284 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant proffered a Declaration of Restrictions which among other things provided:

- 1) That said Property shall be developed substantially in accordance with the plans previously submitted, prepared by Bellon Milanes Architects Planners, entitled, Evergreen Garden Estates, dated the 20th day of December, 2002, said plans being on file with the Miami-Dade County Department of Planning and Zoning, and by reference made a part of this agreement.
- 2) That prior to final plat approval the Owner shall create, at Owner' s option, either a Homeowners Association or, subject to County approval, a Special Taxing District which will be responsible for the management, maintenance and repair of the Community Plaza reflected on the Site Plan.
- 3) That the Property shall be limited to not more than 109 single-family homes.

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 15 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the grounds and reasons specified in the appeal were sufficient to merit a reversal of the ruling made by Community Zoning Appeals Board 15 in Resolution No CZAB15-4-03 and that the appeal should be approved and the decision of Community Zoning Appeals Board 15 should be overruled, and that the proffered Declaration of Restrictions should be accepted, and

WHEREAS, a motion to accept the Proffered Declaration of Restrictions, grant the appeal and overrule the decision of Community Zoning Appeals Board 15 was offered by Commissioner Dennis C. Moss, seconded by Commissioner Bruno A. Barreiro, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrian D. Rolle	aye
Betty T. Ferguson	aye	Natacha Seijas	aye
Sally A. Heyman	absent	Katy Sorenson	absent
Joe A. Martinez	aye	Rebeca Sosa	absent
Jimmy L. Morales	aye	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler absent

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the appeal be and the same is hereby granted and the decision of Community Zoning Appeals Board 15 is overruled.

BE IT FURTHER RESOLVED that, pursuant to Section 33-6 of the Code of Miami-Dade County, Florida, the County hereby accepts the proffered covenant and does exercise its option to enforce the proffered restrictions wherein the same are more restrictive than applicable zoning regulations.

BE IT FURTHER RESOLVED that Resolution No. CZAB15-4-03 is hereby null and void.

The Director is hereby authorized to make the necessary changes and notations upon the maps and records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 24th day of July, 2003, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 03-1-CZ15-5

ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By **KAY SULLIVAN**

Deputy Clerk

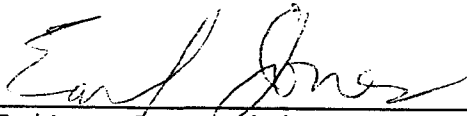
THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 11TH DAY OF AUGUST, 2003.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

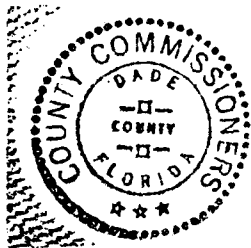
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-14-03 adopted by said Board of County Commissioners at its meeting held on the 24th day of July, 2003.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 11th day of August, 2003.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





DEPARTMENT OF PLANNING AND ZONING

MAIN OFFICE

☐ 111 NW 1 STREET, SUITE 1210
MIAMI, FLORIDA 33128
(305) 375-2800

PERMITTING AND INSPECTION OFFICE

11805 S.W. 26 Street
MIAMI, FLORIDA 33175

☐ IMPACT FEE SECTION
(786) 315-2670 • SUITE 145

☐ ZONING INSPECTION SECTION
(786) 315-2660 • SUITE 223

☐ ZONING PERMIT SECTION
(786) 315-2666 • SUITE 106

☐ ZONING PLANS PROCESSING SECTION
(786) 315-2650 • SUITE 113

August 13, 2003

Henry C. Morat, Trustee
c/o Simon Ferro
Greenberg Traurig, P.A.
1221 Brickell Avenue
Miami, Florida 33131

Re: Hearing No. 03-1-CZ15-5
Location: The Southeast corner of theoretical S.W. 132 Avenue
(Pine Island Road) & theoretical S.W. 284 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed, herewith is Resolution No. Z-14-03, adopted by the Board of County Commissioners, which approved your application on the above-described property. Please note the conditions under which said approval was granted, inasmuch as strict compliance therewith will be required.

Once the use has been established, failure to maintain compliance with any of the required conditions will result in the immediate issuance of a civil violation notice for each condition violated. Each ticket issued will require payment of a daily monetary fine in the amount of \$500.00.

If there are any anticipated changes from the plan submitted for the hearing, a plot use plan should be submitted to this department in triplicate before any detailed plans are prepared, inasmuch as building permits will not be issued prior to the approval of said plan.

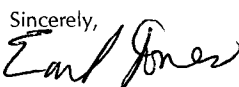
Application for necessary permits and/or Certificate of Occupancy permits should be made with this Department, or the Building Department as appropriate. At time of permit application you must provide a copy of this resolution. Additionally, please be advised that pursuant to Section 307 of the South Florida Building Code, construction permits must be obtained and final inspection approvals received for all construction work done or required prior to issuance of the Certificate of Use and Occupancy. This is required pursuant to Section 33-8 of the Zoning Code and may also appear as a condition of the Resolution. Payment of the Certificate of Use and Occupancy may also be subject to annual renewal by this Department.

You are hereby advised that the decision of the Miami-Dade County Commission may be appealed by an aggrieved party within 30 days of the date of the transmittal of the resolution to the Clerk of the County Commission. You are further advised that in the event that an appropriate appeal is timely filed in the Circuit Court any building permit sought or obtained shall be solely at the risk of the party obtaining said permit.

Copies of any court filings concerning this matter should be served upon both my office and:

Robert A. Ginsburg, County Attorney
111 N.W. 1st Street, Suite 2810
Miami, Florida 33128-1993

The County Attorney is not permitted to accept official service of process.

Sincerely,

Earl Jones
Deputy Clerk

Enclosures